

Murphy, Schisano & Rosado PLLC  
Attorney for Debtor  
717 Broadway  
Newburgh, NY 12550  
(845) 562-1515

**Hearing Date and Time:**  
**February 27, 2018 at 9:30 a.m.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re

**ANNE D. JOHNSON**

Chapter 13  
Case No. 15-36680(CGM)

Debtor.

-----X

**NOTICE OF MOTION PURSUANT TO 11 U.S.C. §364(c)(2)**  
**AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 4001 (c)**

**S I R S:**

**PLEASE TAKE NOTICE**, that upon the annexed motion of ANNE D. JOHNSON, (the “Debtor”) dated February 3, 2018 the undersigned will move this Court, at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York 12601, on the 27th day of February, 2018 at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. §364(c)(2) and Fed. R. Bankr. P. 4001(c) authorizing the debtor to obtain financing from Success Mortgage Partners Inc to purchase a real property located at 2722 Lake Park, Ashford, GA 30101 (the “home”) for her use; and for such other and further relief as to the Court may seem just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be served upon and received by counsel for the debtor(s) at the address indicated below and filed with the

Court together with proof of such service, no later than seven (7) days prior to the return date hereof.

**PLEASE TAKE FURTHER NOTICE**, that the Proposed Order may be modified at or prior to the Hearing to accommodate objections thereto by interested parties or for any other reason whatsoever and that, at the Hearing, the Court may enter such Order as it deems appropriate in accordance with applicable law and required by the circumstances and equities of the case.

**PLEASE TAKE FURTHER NOTICE**, that the Hearing may be adjourned from time to time without notice to any creditor or other party in interest other than by announcement of the adjourned date in open Court on the date of the Hearing.

Dated: Newburgh, New York  
February 6, 2018

/s/ Richard Schisano  
Richard Schisano, Esq.  
Attorney for Debtor  
717 Broadway  
Newburgh, NY 12550  
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UNITED STATES BANKRUPTCY COURT  
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In re

**ANNE D. JOHNSON**

Chapter 13  
Case No. 15-36680(CGM)

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**MOTION FOR AUTHORITY TO OBTAIN CREDIT PURSUANT TO  
11 U.S.C. §364(c)(2) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 4001**

**TO THE HONORABLE CECELIA G. MORRIS,  
CHIEF UNITED STATES BANKRUPTCY JUDGE:**

The motion of ANNE D. JOHNSON, (the "debtor") by his attorney Richard Schisano, an attorney duly admitted to practice before this Court respectfully represents as follows:

1. This Court has subject matter jurisdiction in this matter pursuant to 28 U.S.C. §1334(b) and the Amended Standing Order of Reference signed by Chief Judge Loretta A. Preska dated January 31, 2012. This matter is a core proceeding as provided by 28 U.S.C. §157(b)(2).
2. The debtor filed with this Court on September 11, 2015, a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.

3. At the date of filing the petition, the debtor resided at 114 Roman Way, Newburgh, NY 12550 where she had rented an apartment and worked as a correction officer for the County of Dutchess.

4. In or about August of 2016, debtor retired from her county job and thereafter moved to the State of Georgia. A change of address form was filed with this court at that time. Due to the fact that the debtor is still in a 60 month chapter 13 plan it is extremely difficult for her to find suitable rental property in Georgia due to the requirement to show an acceptable credit report.

5. Debtor has sought to purchase a house to live in since she has been told by local real estate agents in her search for a suitable apartment that she can easily get a mortgage even though she is not be able to find a suitable rental. Debtor seeks to purchase 2722 Lake Park, Acworth, GA 30101 for the sum of \$190,000.00 with seller paying closing costs. Debtor seeks to procure a mortgage from Success Mortgage Partners Inc. in the amount of \$190,000.00 for 30 years at an interest rate of between 4.875% and 5.5%. This would be a monthly payment of between \$1,005.50 and \$1,059.26 for P & I depending on the rate at closing, coupled with real estate tax and insurance escrow in the amount of \$250.00 per month and mortgage insurance of \$129.00 per month. Her total monthly outlay would be between \$1,384.50 and \$1,438.00. This is very similar to the rent she was paying in NY and less than the rent she is now paying in Georgia.

6. The debtor feels it is necessary to purchase this home since it will reduce her expenses and give her an acceptable place to live.

7. The debtor wishes to obtain financing for the purchase of 2722 Lake Park, Acworth, GA 30101 with Success Mortgage Partners Inc. under the following terms:

Loan amount	\$190,000.00
Term	30 years
Interest rate	4.875% - 5.5%

See proposal attached as **Exhibit “A”**.

8. Annexed hereto as **Exhibit “B”** is a copy of the Purchase Agreement. Annexed hereto as **Exhibit “B”** is a copy of the Financing statement with the mortgage Company.

9. As of the date of the filing, the debtor’s monthly income was \$4,939.58. At the present time in retirement debtors monthly income is about \$4,800.00.

10. As the motion presents no new or novel issues of law, the debtor respectfully requests this Court waive the requirement to file a memorandum of law.

**WHEREFORE**, the debtor respectfully requests that an Order be entered authorizing the debtor to obtain vehicle financing pursuant to 11 U.S.C. §364(c)(2) and F.R.B.P. 4001(c); and that the debtor be granted such other and further relief which, as to the Court, may seem just and proper.

Dated: Newburgh, NY  
February 6, 2018

/s/ Richard Schisano  
Richard Schisano, Esq.  
Attorney for Debtor  
717 Broadway  
Newburgh, NY 12550  
(845) 562-1515

